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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 UNITED STATES OF AMERICA,

11 NO. CR04-512-MJP

12 Plaintiff,

13 v.

14 JAMES EDWARD GRATTON,

15 SUMMARY REPORT OF
16 U.S. MAGISTRATE JUDGE AS
17 TO ALLEGED VIOLATIONS
18 OF SUPERVISED RELEASE

19 Defendant.

20 An initial hearing on a petition for violation of supervised release was held before the
21 undersigned Magistrate Judge on December 8, 2010. The United States was represented by
22 Assistant United States Attorneys Tessa Gorman and the defendant by Allen Bentley.

23 The defendant had been charged and convicted of Conspiracy to Commit Bank Fraud,
24 in violation of 18 U.S.C. § 1349. On or about January 31, 2006, defendant was sentenced in
25 the by the Honorable Marsha J. Pechman, to a term of 60 months in custody, to be followed by
26 5 years of supervised release.

27 The conditions of supervised release included the requirements that the defendant
28 comply with all local, state, and federal laws, and with the standard conditions. Special
29 conditions imposed included, but were not limited to, participation in a substance abuse
30 programs; financial disclosure; search; DNA collection; abstain from the use of alcohol and/or

1 all other intoxicants; participate in a drug treatment program; maintain a single checking
2 account; disclose business records, assets, and liabilities to the probation office; prohibited
3 from incurring new credit charges without approval of the probation officer; shall not obtain or
4 possess any form of identification in any other name other than defendant's true name; and
5 restitution in the amount of \$112,517.45.

6 In a Petition for Warrant or Summons for Offender Under Supervision dated November
7 5, 2010, U.S. Probation Officer Andrew Lorenzen asserted the following violations by
8 defendant of the conditions of his supervised release:

- 9 1. Failing to submit monthly reports within the first five days of every month for
10 the months of August, September, and October, 2010, in violation of standard
11 condition #2.
- 12 2. Committing the crime of Theft in Olympia, Washington, on or about October
13 25, 2010, in violation of the general condition that he not commit a federal,
14 state, or local crime.
- 15 3. Possessing a controlled substance on or about October 26, 2010, in violation
16 of standard condition #7.
- 17 4. Failing to notify the probation office of a change in residence on or about
18 September 9, 2010, in violation of standard condition #6.

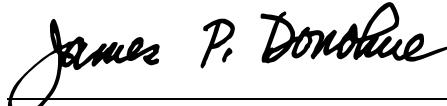
19 The defendant was advised of his rights, acknowledged those rights, and admitted to
20 alleged violations 1, 2, and 4. Defendant denied alleged violation 3, and requested that an
21 evidentiary hearing be set on the same day as a disposition hearing before the Honorable
22 Marsha J. Pechman on the alleged violations.

23 I therefore recommend that the Court find the defendant to have violated the terms and
24 conditions of his supervised release as to violations 1, 2 and 4 and that the Court conduct an
25 evidentiary/disposition hearing on alleged violation 3. A disposition hearing on violations 1, 2
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1 and 4, and an evidentiary/disposition hearing on alleged violation 3, has been set for December
2 17, 2010 at 11:00 a.m. before the Honorable Marsha J. Pechman.

3 Pending a final determination by the Court, the defendant has been detained.

4 DATED this 8th day of December, 2010.

5 
6 JAMES P. DONOHUE

7 United States Magistrate Judge

8 cc: District Judge: Honorable Marsha J. Pechman
9 AUSA: Tessa Gorman
10 Defendant's attorney: Allen Bentley
11 Probation officer: Andrew Lorenzen